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Technology Center 2100

In re Application of: LUNGARO, et al.
Attorney Docket No.: A-68938/MAK/LM
Application No. 09/588,109
Filed: May 31, 2000
For: SECURE, ENCRYPTING PIN PAD

**DECISION ON PETITION TO
WITHDRAW HOLDING OF
ABANDONMENT
UNDER 37 CFR §1.181**

This is a decision on the petition, filed September 27, 2004, requesting the Withdrawal of the Holding of Abandonment of the above-identified application under 37 CFR §1.181. This application was held abandoned for failure to file a timely response to the Office Action mailed on January 16, 2004. A Notice of Abandonment was mailed September 08, 2004.

The petition is **GRANTED**.

In support of the petition, Petitioner provides a statement that a Reply to the Office Action was mailed to USPTO on April 16, 2004. Included in the Reply was a Certificate of Mailing in accordance with 37 CFR § 1.8(a)(1)(i)(A) and as defined by MPEP § 512 evidencing the deposit of the Reply with the U.S. Postal Service on April 16, 2004.

Upon inspecting records on file for the application, it is acknowledged that a Response by Applicants, an After Non-Final Amendment, was received by USPTO on April 19, 2004. Therefore, the record is clear that the application was not abandoned in fact and a Notice of Abandonment should not have been issued. Due to massive migration from paper file wrappers to Image File Wrapper (IFW) in the Technology Center during the period when Applicants' response was filed, potential delays could happen such that communications from Applicants may not have been matched and recorded to the electronic file wrappers in a timely manner. Thus, decisions regarding the timeliness of Applicants' filing of a proper reply could have been inaccurately made based on the delays. The Office regrets any inconveniences this may have caused the applicant.

Accordingly, the petition is GRANTED. The Notice of Abandonment is VACATED.

The application file is being forwarded to the technical support staff to **WITHDRAW** the holding of abandonment, and for processing of the response filed April 19, 2004. The file will be forwarded to the examiner for consideration of the response.



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SDL: 04/25/05